

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 3, 4, 7, and 8 remain pending, claims 3 and 7 being independent. In this Reply, Applicant has made minor editorial amendments to claims 3 and 7, none of which affect the scope of these claims.

Prior Art Rejection

Claims 3, 4, 7, and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Neff et al.* (U.S. Patent 5,841,885). This rejection is respectfully traversed.

Independent claim 3 is directed to a reproduction apparatus comprising: display means for reading digital image data from a recording medium on which the digital image data and data representing the size of an effective image has been stored in mutually correlated form, and displaying an image which represents the digital image data that has been read; and aspect altering means responsive to an entered aspect alteration command for rewriting the data representing the size of the effective image, which data has been recorded on the recording medium, by new data representing an instructed size for the effective image.

Independent claim 7 is directed to a reproduction apparatus comprising: readout means for reading data out of a recording medium on which digital image data and data representing the size of an effective image has been stored in mutually correlated form; manipulating means for manipulating the digital image data, which has been read out by the readout means, to image data representing an image having an aspect ratio stipulated

by the data representing the size of the effective image; and display means for displaying the image represented by the image data manipulated by the manipulating means.

Neff describes a technique for enabling quality reprints of photographic images to be generated from an original print, instead of a previously-developed negative film strip. More specifically, as illustrated for example in Figs. 1a and 1b, an image 12 is formed on a front side of a photographic print 10, and a digital record 18, containing information representative of the image on a film strip 22, is placed on the back side 16 of the print 10. The digital record 18 may include instructional information such as preferred printing conditions, date, name, location, etc. (Col. 3, lines 61-67).

As shown for example in Fig. 3, and discussed at col. 4, lines 16-38, additional prints can be generated from the original print 10 using the digital record 18, such that the negative film strip 22 is not needed to generate quality reprints. For example, the information of digital record 18 can be used to create altered prints, such as cropped, enlarged, color-corrected, and/or defect-corrected reprints.

Although *Neff* discloses an arrangement in which an image and a digital record 18 are recorded on opposite sides of a print 10, Applicant respectfully submits that this arrangement fails to teach or suggest storing digital image data and data representing the size of an effective image in a mutually correlated form, as specified in independent claims 3 and 7. Furthermore, Applicant respectfully submits that *Neff* neither teaches nor suggests "rewriting the data representing the size of the effective image, which data has been recorded on the recording medium, by new data representing an instructed size for the effective image," as recited in independent claim 3, or "manipulating the digital image

data, which has been read out by [a] read out means, to image data representing an image having an aspect ratio stipulated by the data representing the size of the effective image," as recited in independent claim 7.

Still further, Applicant respectfully submits that *Neff* fails to teach or suggest the operation, performed in response to a reduced-image display command, of manipulating "the reduced-image data to reduced-image data representing a reduced image having an aspect ratio stipulated by the data representing the size of the effective image," as recited in dependent claim 8.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant respectfully submits that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, *Neff*, fails to teach or suggest each and every feature as set forth in the claimed invention.

At least for the above reasons, Applicant respectfully submits that each pending claim defines over the teachings of *Neff*. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102.

CONCLUSION

Should there be any outstanding matters which need to be resolved in the present application, we respectfully request the Examiner to contact the undersigned at (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicant respectfully petitions for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$110.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



D. Richard Anderson, #40,439

DRA/jdm
0905-0225P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Version With Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

3. (Amended) A reproduction apparatus comprising:

display means for reading digital image data from a recording medium on which the digital image data and data representing the size of an effective image [have] has been stored in mutually correlated form, and displaying an image which represents the digital image data that [have] has been read; and

aspect altering means responsive to an entered aspect alteration command for rewriting the data representing the size of the effective image, which data [have] has been recorded on the recording medium, by new data representing an instructed size for the effective image.

7. (Amended) A reproduction apparatus comprising:

readout means for reading data out of a recording medium on which digital image data and data representing the size of an effective image [have] has been stored in mutually correlated form;

manipulating means for manipulating the digital image data, which [have] has been read out by said readout means, to image data representing an image having an aspect ratio stipulated by the data representing the size of the effective image; and

display means for displaying the image represented by the image data manipulated by said manipulating means.